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10/029,326

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Gregory Roger Hamel

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06/21/2006

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EXAMINER

FLANDERS, ANDREW C

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,326

Applicant(s)

HAMEL, GREGORY ROGER

Examiner

Andrew C. Flanders

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 7-24 and 22 is/are objected to. 55
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 Decemert 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 April 2006 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments to the claims.

Claim Objections

Claim 7 objected to because of the following informalities: Claim 7 as amended reads "that is covered by the one or more speakers exposed upon..." which should apparently read "that is covered by the one or more speakers and is exposed upon...".

For the purpose of expediting prosecution the claim will be read in this manner.

Appropriate correction is required.

Claims 21 and 22 objected to because of the following informalities: Claim 7 as amended reads "functions as an audio file..." which should apparently read "functions to serve an audio file". For the purpose of expediting prosecution the claim will be read in this manner. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 6, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Morohashi (U.S. Patent Application Publication 2005/0141367).

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Regarding **Claim 1**, Morohashi discloses:

An audio storage and reproducing apparatus (Fig. 5) comprising:

a storage medium for storing one or more encoded audio data files (Fig. 5 element 106)

a data expander coupled to the storage medium for decoding the one or more encoded audio data files (Fig. 5 element 115);

an audio output adapted to produce audio corresponding to an encoded audio data file that has been decoded by the data expander (Fig. 5 elements 116, 117 and 118);

a personal computer network interface (Fig. 5 element 101) adapted to facilitate transfer of encoded audio files to an external storage device on a network (the compressed musical data moved to the portable recording and playback apparatus can be returned back to the recording medium serving as a move source, that is, the HDD employed in the music server; paragraph 89; the music server 50 being connected to a network such as the internet; Fig. 1 elements 50 60 and 61)

a personal computer bus providing a shared common pathway for transmitting data directly between the storage medium and the data expander and the audio output the network interface (Fig. 5 element 130).

Regarding **Claim 2**, in addition to the elements stated above regarding claim 1, Morohashi further discloses:

wherein the storage medium comprises a hard disk drive (paragraph 86).

Regarding **Claim 3**, in addition to the elements stated above regarding claim 1, Morohashi further discloses:

wherein the storage medium comprises a flash memory device (paragraph 86).

Regarding **Claim 4**, in addition to the elements stated above regarding claim 1, Morohashi further discloses:

wherein the audio output includes one or more speakers (paragraph 91)

Regarding **Claim 5**, in addition to the elements stated above regarding claim 1, Morohashi further discloses:

an amplifier to process an encoded audio data file that has been decoded by the data expander for transmission through the audio output (Fig. 5 element 117).

Regarding **Claim 6**, in addition to the elements stated above regarding claim 1, Morohashi further discloses:

wherein the one or more speakers can be selectively detached from said apparatus (paragraph 91).

Regarding **Claim 23**, in addition to the elements stated above regarding claim 1, Morohashi further disclose:

wherein the personal computer bus is a parallel bus connected to the storage medium, the data expander, the audio output and the network interface (Fig. 5 element 13).

Regarding **Claim 24**, in addition to the elements stated above regarding claim 1, Morohashi further disclose:

a central processing unit connected to the personal computer bus in parallel with the data expander (Fig. 5 elements 105, 115 and 130).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morohashi (U.S. Patent Application Publication 2005/0141367).

Regarding **Claim 9**, in addition to the elements stated above regarding claim 1, Morohashi fails to explicitly disclose that the connection line 71 in Fig. 1 which is represented by element 110 in Fig. 5 is a personal computer network interface including an Ethernet port.

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However, Examiner takes official notice that using Ethernet ports for the purpose of transferring data is notoriously well known in the art.

It would have been obvious to one of ordinary skill in the art to adapt the communication element of Morohashi to function as an Ethernet port thus reading upon the limitation of wherein the personal computer network interface includes an Ethernet port. Morohashi discloses that various connections can be used for the connection line in paragraph 40. One would have been motivated to use the Ethernet port in order to create a connection that is widely used and thus compatible with many various end user devices.

Claims 7, 8 and 10 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morohashi (U.S. Patent Application Publication 2005/0141367) in view of Janik (U.S. Patent Application Publication 2002/0164973).

Regarding **Claim 7**, in addition to the elements stated above regarding claim 6, Morohashi further discloses:

wherein the audio output further includes a terminal that is covered by the one or more speakers and is exposed upon detachment of the one or more speakers (as is noted above and in paragraph 91, headphones and speakers can be mounted to the device; removing them from this mounting thus causes a terminal to be exposed).

Morohashi fails to explicitly disclose that upon detachment of the one or more speakers the device is adapted to be coupled to an audio input of a vehicle audio system.

Janik discloses a storage and datalink unit (Fig. 3 element 14) which is similar to that of the portable unit disclosed in Fig. 5 of Morohashi. Janik goes on to disclose that the data link may be locked onto the vehicle dock using two attachment latched in paragraph 52. Morohashi discloses that the portable device can be adapted to mount to the server device; paragraph 84.

It would have been obvious to modify the mounting means of Morohashi to function as the storage and datalink unit of Janik thus adapting it to be attached to a vehicle. This modification reads upon the limitation of upon detachment of the one or more speakers the device is adapted to be coupled to an audio input of a vehicle audio system.

The motivation behind such a combination would be to allow users to access their music by the use of the same play list structure in the home and in the automobile. Additionally, users who amass a large quantity of digital audio files often have a desire to listen to those audio files other than at the PC, such as in a vehicle; see the above in paragraphs 10 – 14 of Janik.

Regarding **Claim 8**, in addition to the elements stated above regarding claim 1 and 7, the combination made and disclosed in the rejection of claim 7 further discloses:

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wherein the audio output is adapted to be coupled to an audio input of a vehicle audio system (i.e. the audio signal output 286 of Fig. 3 of Janik is replaced by the output in Fig. 5 of Morohashi.)

Regarding **Claim 10**, in addition to the elements stated above regarding claim 1 and 7, the combination made and disclosed in the rejection of claim 7 further discloses:

one or more fasteners adapted to cooperate with structural members of a vehicle audio system to allow rapid connection and disconnection of said apparatus to the vehicle audio system (paragraph 52 of Janik and paragraph 84 of Morohashi in the combination).

Regarding **Claim 11**, Morohashi discloses:

An audio storage and reproducing apparatus (Fig. 5) comprising:

storage means for storing one or more encoded audio data files (Fig. 5 element 106);

data expansion means coupled to the storage means for decoding the one or more encoded audio data files (Fig. 5 elements 115);

audio output means for producing audio corresponding to an encoded audio data file that has been decoded by the data expansion means (Fig. 5 elements 116, 117 and 118);

a personal computer network interface providing transfer of encoded audio files from the storage means to an external device over the network (Fig. 5 element 101; the

compressed musical data moved to the portable recording and playback apparatus can be returned back to the recording medium serving as a move source, that is, the HDD employed in the music server; paragraph 89; the music server 50 being connected to a network such as the internet; Fig. 1 elements 50 60 and 61); and

a personal computer bus for transmitting data between the storage means and the data expansion means and the audio output means and the network interface (Fig. 5 element 130).

Morohashi fails to explicitly disclose the audio storage and reproducing apparatus is for connection to a vehicle and a computer network and providing local playback of decoded audio files over the network without the need to copy the encoded audio data files to the external device.

Janik discloses a storage and datalink unit (Fig. 3 element 14) which is similar to that of the portable unit disclosed in Fig. 5 of Morohashi. Janik goes on to disclose that the data link may be locked onto the vehicle dock using two attachment latched in paragraph 52. Morohashi discloses that the portable device can be adapted to mount to the server device; paragraph 84.

It would have been obvious to modify the mounting means of Morohashi to function as the storage and datalink unit of Janik thus adapting it to be attached to a vehicle. This modification reads upon the limitation the audio storage and reproducing apparatus for connection to a vehicle.

The motivation behind such a combination would be to allow users to access their music by the use of the same play list structure in the home and in the automobile.

Additionally, users who amass a large quantity of digital audio files often have a desire to listen to those audio files other than at the PC, such as in a vehicle; see the above in paragraphs 10 – 14 of Janik.

Furthermore, Janik's storage and data link unit includes a wireless LAN; Fig. 3. This wireless LAN operates on the TCP/IP standard; paragraph 31. It would have been obvious to add a wireless LAN as taught by Janik to the portable player of Morohashi. One would have been motivated to do so to create a device that provides a system that involves wireless communication and information transfer between the internet and home PC and the local area network based automotive storage and playback system which is under the direct control of the user; paragraph 46 of Janik.

Modifying Morohashi to include the wireless LAN operating under the TCP/IP standard thus makes it able to connect to other computers on a WAN or LAN. Connecting Morohashi to a LAN allows for the sharing of files and remote playback over a LAN without storage of files (i.e. streaming music; this is a well known implementation as shown in Fig. 7 of Stern US 6,539,417).

This modification thus reads upon the limitations of connection to a computer network and providing local playback of decoded audio files over the network without the need to copy the encoded audio data files to the external device.

Regarding **Claim 12**, in addition to the elements stated above regarding claim 11, the combination further discloses:

wherein the audio output includes one or more speakers (paragraph 91 in Morohashi)

Regarding **Claim 13**, in addition to the elements stated above regarding claim 11, the combination further discloses:

an amplifier to process an encoded audio data file that has been decoded by the data expander for transmission through the audio output (Fig. 5 element 117 in Morohashi).

Regarding **Claim 14**, in addition to the elements stated above regarding claim 11, the combination further discloses:

wherein the audio output is adapted to be coupled to an audio input of a vehicle audio system (i.e. the audio signal output 286 of Fig. 3 of Janik is replaced by the output in Fig. 5 of Morohashi.)

Regarding **Claim 15**, Morohashi discloses:

An audio storage and reproducing apparatus capable of operation as a standalone audio player (Fig. 5) comprising:

a storage medium for storing one or more encoded audio data files (Fig. 5 element 106);

a data expander coupled to the storage medium for decoding the one or more encoded audio data files (Fig. 5 element 115);

an input key operable connected to the data expander (Fig. 5 element 102);
an audio output adapted to produce audio corresponding to an encoded audio data file that has been decoded by the data expander (Fig. 1 elements 116, 117 and 118);

Morohashi does not explicitly disclose that the apparatus is capable of selective operation as an addressable member of a wide or local area computer network and an in-vehicle audio player;

a network protocol adapted to allow other members of said network to access the storage medium when said apparatus is operating as an addressable member of a computer network and having a network address;

a network interface adapted to operable connect said apparatus to said network, said apparatus functioning as a server on the computer network to transmit data to another device over the computer network; or

one or more fasteners adapted to cooperate with structural members of a vehicle audio system to allow rapid connection and disconnection of said apparatus to the vehicle operating system.

Janik discloses a storage and datalink unit (Fig. 3 element 14) which is similar to that of the portable unit disclosed in Fig. 5 of Morohashi. Janik goes on to disclose that the data link may be locked onto the vehicle dock using two attachment latched in paragraph 52. Morohashi discloses that the portable device can be adapted to mount to the server device; paragraph 84.

It would have been obvious to modify the mounting means of Morohashi to function as the storage and datalink unit of Janik thus adapting it to be attached to a vehicle. This modification reads upon the limitations of the apparatus capable of selective operation as an in-vehicle audio player and one or more fasteners adapted to cooperate with structural members of a vehicle audio system to allow rapid connection and disconnection of said apparatus to the vehicle operating system.

The motivation behind such a combination would be to allow users to access their music by the use of the same play list structure in the home and in the automobile. Additionally, users who amass a large quantity of digital audio files often have a desire to listen to those audio files other than at the PC, such as in a vehicle; see the above in paragraphs 10 – 14 of Janik.

Furthermore, Janik's storage and data link unit includes a wireless LAN; Fig. 3. This wireless LAN operates on the TCP/IP standard; paragraph 31. It would have been obvious to add a wireless LAN as taught by Janik to the portable player of Morohashi. One would have been motivated to do so to create a device that provides a system that involves wireless communication and information transfer between the internet and home PC and the local area network based automotive storage and playback system which is under the direct control of the user; paragraph 46 of Janik.

Modifying Morohashi to include the wireless LAN operating under the TCP/IP standard thus makes it able to connect to other computers on a WAN or LAN. Connecting Morohashi to a LAN allows for the sharing of files and remote playback over

a LAN without storage of files (i.e. streaming music; this is a well known implementation as shown in Fig. 7 of Stern US 6,539,417).

This modification thus reads upon the limitations of a network protocol adapted to allow other members of said network to access the storage medium when said apparatus is operating as an addressable member of a computer network and having a network address (i.e. the TCP/IP protocol of Janik);

a network interface adapted to operable connect said apparatus to said network, said apparatus functioning as a server on the computer network to transmit data to another device over the computer network (the wireless LAN of Janik and element 101 Fig. 5 of Morohashi).

Regarding **Claim 16**, in addition to the elements stated above regarding claim 15, the combination further discloses:

wherein the storage medium comprises a hard disk drive (paragraph 86 in Morohashi).

Regarding **Claim 17**, in addition to the elements stated above regarding claim 15, the combination further discloses:

wherein the storage medium comprises a flash memory device (paragraph 86 in Morohashi).

Regarding **Claim 18**, in addition to the elements stated above regarding claim 15, the combination further discloses:

wherein the audio output includes one or more speakers, a headphone jack (paragraph 91 in Morohashi), and a connector for coupling the audio output to an audio input of a vehicle audio system (i.e. the audio signal output 286 of Fig. 3 of Janik is replaced by the output in Fig. 5 of Morohashi.).

Regarding **Claim 19**, in addition to the elements stated above regarding claim 18, the combination further discloses:

wherein the one or more speakers can be selectively detached from said apparatus (paragraph 91 of Morohashi).

Regarding **Claim 20**, in addition to the elements stated above regarding claim 18, the combination further discloses:

a rechargeable power supply (Fig. 3 element 122 of Janik).

Regarding **Claims 21 and 22**, in addition to the elements stated above regarding claims 1 and 11, the combination of Morohashi in view of Janik as shown and made in the rejection of claim 15 further discloses:

wherein said apparatus functions to serve an audio file on a wide or local area network.

Janik's storage and data link unit includes a wireless LAN; Fig. 3. This wireless LAN operates on the TCP/IP standard; paragraph 31. It would have been obvious to add a wireless LAN as taught by Janik to the portable player of Morohashi. One would have been motivated to do so to create a device that provides a system that involves wireless communication and information transfer between the internet and home PC and the local area network based automotive storage and playback system which is under the direct control of the user; paragraph 46 of Janik.

Modifying Morohashi to include the wireless LAN operating under the TCP/IP standard thus makes it able to connect to other computers on a WAN or LAN. Connecting Morohashi to a LAN allows for the sharing of files and remote playback over a LAN without storage of files (i.e. streaming music; this is a well known implementation as shown in Fig. 7 of Stern US 6,539,417).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7546. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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